

Labourers (Ireland) Bill.

[AS AMENDED BY THE STANDING COMMITTEE ON LAW, &c.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Amendment of law as to representation.
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[Bill 312.]

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Clause.

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SCHEDULE.

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B I L L

[AS AMENDED BY THE STANDING COMMITTEE ON LAW, &c.]

TO

Amend the Law relating to Labourers in Ireland and to make provision with respect to the application of portion of the Ireland Development Grant.

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BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1) A representation under the Labourers Acts shall be sufficient for all the purposes of those Acts if it represents that the circumstances of the section of the rural district to which it relates are such that it is the duty of the district council to take proceedings under the Labourers Acts therein. Amendment of law as to representation.
- 10 (2) In section ninety-seven of the Irish Land Act, 1903, which provides for the number of persons by whom a representation may be signed "three" shall be substituted for "six." 3 Edw. 7. c. 37.

- 15 2.—(1) Where a district council desire to enlarge any cottage which they may have erected or acquired under the Labourers Acts, it shall not be necessary for the council to make an improvement scheme for the purpose, and they may borrow money to defray the cost of such enlargement, subject to such regulations as may be prescribed. Enlargement of cottages already provided.

- 20 (2) The foregoing provisions of this section shall, with the consent of the Local Government Board, apply where it is proposed to enlarge a plot or garden attached to a cottage erected or acquired as aforesaid and where land for the purposes of such enlargement can be acquired by agreement.

- 25 3. A district council may, if they think fit, after giving such notices as are required by section four of the Act of 1893, as amended by section one of the Act of 1896, make an improvement Improvement scheme without representation.

[Bill 312.]

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A.D. 1906. scheme under the Labourers Acts for the whole or any section of their district notwithstanding that a representation has not been made to them in relation thereto.

Limit of time for giving answers.

4. In section twenty-one of the Act of 1885, which limits the time within which answers may be given to notices, fourteen days shall be substituted for one month.

Improvement scheme where land not taken compulsorily.

5. Where in an improvement scheme it is not proposed that any land shall be taken compulsorily, or that any house accommodation shall be provided, the scheme shall become absolute and take effect without confirmation subject to the sanction of the Local Government Board to any loan or expenditure required for the purposes of the scheme.

Improvement scheme where land taken compulsorily.

6. Where in an improvement scheme it is proposed that any house accommodation shall be provided or any land shall be taken compulsorily—

(1) The inspector appointed by the Local Government Board to hold the inquiry as to the propriety of confirming the scheme may, if he thinks proper, after the completion of the inquiry and considering all objections made by any persons interested, make a provisional order confirming the scheme, and the inspector shall have for that purpose all the powers conferred on the Local Government Board by the Labourers Acts in relation to the making of provisional orders confirming improvement schemes. Provided that the inquiry in this section mentioned shall be held within one month after the presentation of the petition mentioned in section seven of the Act of 1883, and the provisional order in this subsection mentioned shall be made within one fortnight after the close of the said inquiry, unless the Local Government Board are of opinion that the said periods, or either of them, should be extended.

(2) A copy of any provisional order made under this section shall be served in the prescribed manner, together with a statement that the order will be confirmed and have the effect of an Act of Parliament, unless within the prescribed period a petition by some person interested is presented to the Local Government Board praying that the order, or any specified part thereof, shall not become law without further inquiry;

- (3) If the Local Government Board are satisfied that the prescribed regulations have been in all respects complied with, then after the prescribed period—

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(a) If no petition has been presented, or if every such petition has been withdrawn, the Board shall without further inquiry confirm the order;

(b) If a petition has been presented and not withdrawn, then unless the district council notify the Local Government Board of their intention to withdraw the improvement scheme, or the part thereof, as the case may be, to which the petition relates, the Board shall after consideration of a full report of the evidence taken at the original inquiry, and, after such further local inquiry (if any) as they may deem necessary, either confirm with or without amendment, or disallow the order;

(c) Upon any such confirmation the order, and if amended as so amended, shall become final, and have the effect of an Act of Parliament, and the confirmation by the Local Government Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made, and is within the powers of the Labourers Acts.

- (4) No part of an improvement scheme under the Labourers Acts shall be disallowed, merely on the ground that agricultural labourers are not required for the cultivation or management of the holding or estate portion of which it is proposed to acquire for the purpose of such scheme or part of such scheme.

- (5) Where a petition has been presented and not withdrawn and the Local Government Board are of opinion that the ground or grounds on which such petition was presented was or were frivolous or vexatious, the Board may make an order for the payment by the petitioner of the reasonable costs, charges, and expenses of the district council incurred in opposing such petition, and an order respecting costs shall be enforceable as if it were an order of the High Court.

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Amendment
of 3 Edw. 7.
c. 37. s. 96,
with respect
to schemes.

7.—(1) Where the Irish Land Commission, after making inquiry pursuant to section ninety-six of the Irish Land Act, 1903, are of opinion that accommodation for labourers on an estate is needed, they may, instead of framing a scheme, transmit to the council of the rural district in which the estate is situate a report of their opinion, and that council if they think fit may, in communication with, and subject to the approval of, the Local Government Board and the Irish Land Commission, frame a scheme which shall provide for such accommodation and fix the amount of the purchase money of the land comprised in the scheme, and the Local Government Board shall thereupon make an order confirming the scheme. 5

(2) Upon such confirmation the order shall become final and have the effect of an Act of Parliament, and shall not be subject to petition, and the confirmation by the Local Government Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the Order has been duly made, and is within the powers of this Act. 15

(3) Upon such confirmation the Irish Land Commission shall make an order vesting, subject to such exceptions and reservations as are specified in the order, the fee simple of the land comprised in the scheme in the council of the rural district in which that land is situate, and that council shall thereupon carry the scheme into execution. 20

As to super-
fluous land.

8. Where the Local Government Board are satisfied that owing to exceptional circumstances arising in a rural district any land acquired for the purposes of the Labourers Acts cannot with advantage be used for those purposes, they may by order authorise the district council to let the land, and any buildings thereon, to be used for any purpose specified in the order and appearing to the Board to be beneficial to the inhabitants of the district. 25

Provision in
case of in-
sanitary
dwellings.

9.—(1) Where it appears to the Local Government Board that a district council have neglected to make an adequate improvement scheme for the purpose of providing cottages or allotments, or cottages with allotments, for agricultural labourers in their district, or, having made such scheme, have failed to carry it out with reasonable expedition, the Board may require the district council to make an improvement scheme for that purpose, or to carry out such scheme with reasonable expedition, as the case may be. 35 40

(2) If the district council do not within the prescribed period make an improvement scheme which appears to the Local Government Board to be adequate, or fail to carry out such scheme (if made) with reasonable expedition, as the case may be, the Board may appoint an officer who for the purposes of such scheme shall have all the powers and may perform all the duties of the district council under the Labourers Acts.

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(3) The remuneration and expenses of any such officer shall be fixed by the Local Government Board, and shall be paid by the district council as part of the costs incidental to carrying the scheme into execution.

10.—(1) The county council shall, on the request of the council of any rural district comprised in the county, or any officer appointed by the Local Government Board to perform the duties of the district council, advance to the latter council or such officer, as the case may be, such sums as that council or officer may require for the purpose of enabling them or him to carry the Labourers Acts into effect, and any sums so advanced shall be repaid as soon as may be to the county council out of any loan obtained by the district council for the purposes of those Acts, or, in default of any such loan being obtained, shall be raised and levied as general expenses off the rural district.

Advances to be made by county council to district councils and officers.

(2) Any money required by a county council for the purposes of this section may be advanced out of the county fund, and if and so far as that fund is insufficient the county council may, with the approval of the Local Government Board, and subject to the prescribed terms and conditions, borrow temporarily the money required.

11. For the purpose of taking land otherwise than by agreement under the Labourers Acts, the Lands Clauses Acts, as amended by the Second Schedule to the Housing of the Working Classes Act, 1890, shall be further amended as follows:—

Amendment of law with respect to payment of purchase money, conveyance of land, &c. 53 & 54 Vict. c. 70.

(1) Where the purchase money or compensation payable to a person claiming any interest in land does not exceed the sum of sixty pounds and the claimant gives prima facie evidence that he is a person having power to sell under the Land Purchase Acts, and satisfies the district council that for not less than six years immediately preceding, he, or his immediate predecessor in title, has been personally, or by an agent, in receipt

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of the rents or profits of the land, or in actual occupation thereof, the claimant may be dealt with by the district council as the absolute owner of the interest in respect of which he claims, and the purchase money or compensation may be paid to him: 5

- (2) Where any interest in land, in respect of which purchase money or compensation not exceeding the sum of sixty pounds is payable, is subject to any mortgage or charge, the amount of the compensation may be paid to the person entitled to the mortgage or charge, or 10 if there is more than one such mortgage or charge, then to the person entitled to the mortgage or charge which is first in priority, and the amount so paid shall be received in reduction of the principal sum for the time being owing in respect of the mortgage 15 or charge, notwithstanding any direction, proviso, or covenant to the contrary contained in any instrument:
- (3) A memorandum of the amount paid under the last preceding subsection shall be endorsed on the instrument creating the mortgage or charge and shall be signed 20 by the person receiving the compensation, and a copy of the memorandum shall be furnished by the council at their expense to all persons appearing to the council to be entitled to any interest in the land subject to the mortgage or charge: 25
- (4) Where a district council have, pursuant to any foregoing provision of this section, paid purchase money or compensation, not exceeding the sum of sixty pounds, to any person, he shall give the council a receipt for the same in the prescribed form, which shall be prepared 30 by and at the cost of the district council. In the case of land the ownership of which is not registered, the receipt shall, when given by a person who may be dealt with as absolute owner or by a person entitled to a mortgage or charge upon the interest of any 35 such person, be effectual to vest absolutely in the district council the fee simple of the land in respect of which the purchase money or compensation was paid. No approval fee or other charge shall be payable by the district council in respect of any receipt 40 given in pursuance of this subsection:

(5) Any person claiming to be entitled to any money paid to another person pursuant to the foregoing provisions of this section may within six years after the payment has been made, on giving such notice as may be required by rules of court, apply for relief in manner provided by those rules to the county court within the jurisdiction of which the land is situate:

(6) The court may either dismiss the application or may make a decree against the district council for the amount found due in respect of the claim, and in that case the said amount shall be a debt due to the district council by the person to whom the money was paid by them:

(7) If it appears to the district council that the person making any claim for compensation in respect of land, or in respect of any estate, or interest therein, is not absolutely entitled to the land, estate, or interest in respect of which his claim is made, or if the title to such land estate or interest is not satisfactorily deduced to the district council, then if the total amount of such compensation does not amount to one hundred pounds and exceeds ten pounds the district council may pay the compensation into the county court, and that court shall thereupon have with respect thereto all the jurisdiction exercisable by the High Court under the Lands Clauses Acts:

(8) Section seventy-two of the Lands Clauses Consolidation Act, 1845, shall have effect as if "sixty pounds" were substituted therein for "twenty pounds."

(9) In determining the amount of compensation payable to any person an arbitrator shall not make any additional allowance in respect of the purchase being compulsory:

(10) An arbitrator may, within one month after the making by him of an award, correct any mistake therein, or supply any accidental omission therefrom:

(11) Rules of the county court shall regulate the practice and procedure in that court under this section, and in particular shall provide that the costs payable by the rural district council incident to the payment out of court of any money shall not exceed ten pounds.

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Amendment
of 46 & 47
Vict. c. 60.
s. 17, as to
limit of rate.

12. Where, upon consideration of an application signed by a majority of all the members of the council of a rural district, the Local Government Board are satisfied that additional labourers' cottages are required in that district, and that such cottages cannot be provided unless the rating limit provided by section seventeen of the Act of 1883 is exceeded, the Board may, by Order, authorise that limit to be exceeded to an extent not exceeding threepence in the pound.

Assignment
of moneys
for purposes
of Labourers
Acts.

13.—(1) The following moneys shall be placed at the disposal of the Local Government Board for the purposes of the 10 Labourers Acts:—

- (a) The principal sum of one hundred and fifty thousand pounds standing to the credit of the Petty Sessions Clerks Fund;
- (b) After the thirty-first day of October nineteen hundred and six the principal sum of seventy thousand pounds, forming portion of the Ireland Development Grant;
- (c) An annual sum to be paid out of money provided by Parliament equal to the reduction of charge upon the Consolidated Fund of the United Kingdom effected by 20 the provisions of any Act of this session providing for the abolition of any judgeships of the High Court and the reduction of the salary of the Lord Chancellor; and
- (d) The annual sum of six thousand pounds, forming portion of the residue of the Exchequer contribution under the 25 Purchase of Land (Ireland) Act, 1891.

54 & 55 Vict.
c. 48.

(2) The above-mentioned principal sums shall be paid to the Local Government Board in such instalments and at such times as may be required for the purposes of this Act, and shall be invested by the Board in any securities in which trustees are by 30 law for the time being authorised to invest trust moneys, and the annual income of those investments, together with the aforesaid annual sums (which annual income and sums are in this Act referred to as "the Labourers' Cottages Fund"), shall be applied in the manner provided by this Act.

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(3) Subject to the provisions of this section, any portion of the Labourers' Cottages Fund which in any financial year is not required for the purposes of this Act shall be accumulated, and may be applied in any subsequent year for those purposes.

(4) Provided that if at any time it appears to the Lord 40 Lieutenant on the representation of the Local Government Board

that the whole or any portion of the moneys placed at their disposal by this section is no longer required for the purposes of this Act, then he may order that the same shall be added to and form part of the Ireland Development Grant.

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14.—(1) There shall be paid in each year out of the Ireland Development Grant such annual sum not exceeding twenty-eight thousand pounds as may be required to meet the payment charged upon that Grant by section seventeen of this Act.

Payment out of Development Grant.

(2) So much as is actually paid out of the Ireland Development Grant in any financial year in pursuance of this section shall be repaid as soon as may be to that Grant out of money provided by Parliament.

15. Any sums carried under section thirty-eight of the Irish Land Act, 1906, out of the Ireland Development Grant to the income account of the Irish Land Purchase Fund, and not expended on the thirty-first day of March nineteen hundred and six, shall be used as a working balance, and shall not be reckoned as part of the income of the Irish Land Purchase Fund in determining whether that income is insufficient under section twenty-nine of the said Act.

Provision as to certain sums carried out of Development Grant. 3 Edw. 7. c. 37.

16.—(1) The Irish Land Commission may, on the recommendation of the Local Government Board, make advances to an amount not exceeding in the whole four million two hundred and fifty thousand pounds, in such manner subject to such conditions and within such limits as may from time to time be sanctioned by the Treasury, to rural district councils, of such sums as may be required for the provision of cottages and allotments under the Labourers Acts, and any sums required for this purpose shall be issued out of the Irish Land Purchase Fund. Every such advance shall be repayable in like manner as an advance under the Land Purchase Acts.

Advances out of Irish Land Purchase Fund.

(2) The Lord Lieutenant may make an Order for the payment of any sum due by a district council in respect of a purchase annuity for the repayment of an advance made in pursuance of this section, and thereupon section eighty of the Local Government (Ireland) Act, 1896, relating to imperative presentments, shall apply to that sum.

61 & 62 Vict. c. 37.

17.—(1) Subject to the provisions of this section, sixteen pounds per cent. of the total amount of the purchase annuities payable in each financial year in respect of advances made by

Application of moneys.

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A.D. 1906. — the Irish Land Commission for the provision of cottages and allotments under the Labourers Acts shall be paid out of the Labourers' Cottages Fund, and twenty pounds per cent. of that amount shall be charged upon and paid out of the Ireland Development Grant.

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54 & 55 Vict.
c. 48.

(2) Provided that so long as any portion of the share payable to any county before the commencement of this Act out of the residue of the Exchequer contribution under the Purchase of Land (Ireland) Act, 1891, remains unexpended no portion of the said purchase annuities payable by the council of any rural district 10 comprised in the county shall be defrayed in the manner provided by this section.

Amendment
of 54 & 55
Vict. c. 48,
s. 5 (2) (b),
with respect
to application
of residue of
Exchequer
contribution.

18.—(1) After the commencement of this Act the residue of the Exchequer contribution under the Purchase of Land (Ireland) Act, 1891, after deducting therefrom the annual sum of six 15 thousand pounds forming portion of the Labourers' Cottages Fund under this Act, shall be divided between the rural districts in Ireland as nearly as may be in proportion to the number of cottages, provided before the commencement of this Act, under the Labourers Acts in the said several districts in respect of which 20 loans are for the time being outstanding, and shall be applied towards the repayment of those loans. The aforesaid proportion shall be determined by the Local Government Board.

(2) Whenever by reason of the repayment of the said out- 25 standing loans the said residue is no longer required for the purposes of this section, the same shall be added to and form portion of the Labourers' Cottages Fund, and when no longer required for the purposes for which that fund is applicable shall be added to and form portion of the Ireland Development Grant.

Advances to
labourers for
purchase of
parcels of
land.
3 Edw. 7.
c. 37.

19. Advances under section two of the Irish Land Act, 1903, 30 may be made for the purchase of a parcel of land comprised in an estate by an agricultural labourer who has, for a period of not less than five years immediately preceding the date of the advance, been a tenant to the council of a rural district of a cottage or allotment situate in the neighbourhood of the estate, and has paid all rent 35 due by him in respect of such tenancy.

Amendment
of 3 Edw. 7.
c. 37. ss. 4,
20, with
respect to

20. An advance for the purchase of a parcel of an estate to be held for the purposes of the Labourers Acts may be made under section four of the Irish Land Act, 1903, to a rural district council as trustees within the meaning of that section, and in 40

such case an improvement scheme under the Labourers Acts with respect to the parcel of land shall be made, and the provisions of those Acts relating to an improvement scheme where it is not proposed that any land shall be taken compulsorily shall apply, and the provisions of section twenty of the Irish Land Act, 1903, relating to schemes shall not apply.

21. The instrument whereby any land, the ownership of which is not registered under the Local Registration of Title (Ireland) Act, 1891, becomes vested in a district council for the purposes of the Labourers Acts, and also an attested copy of a map delineating the land, shall, immediately upon the land becoming so vested, be transmitted by the council or the Irish Land Commission, as the case may be, to the registering authority under the said Act of 1891, and the title of the district council to the ownership of the land shall be registered subject to the provisions of that Act.

22. No fee shall be payable in the Local Registration of Title Office, or in the Registry of Deeds Office, as defined by the Local Registration of Title (Ireland) Act, 1891, on the registration of the ownership of any land purchased by a district council under the Labourers Acts, or for any searches made or land certificate issued to a district council in respect of such land.

23. No stamp duty shall be payable on any agreement, deed, receipt or other instrument made or issued under the Labourers Acts whereby any land acquired for the purposes of those Acts is vested in a district council, or relating to the letting of cottages or land in pursuance of those Acts.

24.—(1) The district council shall make regulations with respect to the letting of cottages and allotments under the Labourers Acts, and for preventing any undue preference in the letting thereof, and generally for carrying the provisions of the said Acts into effect.

(2) Regulations under this section shall provide that, on the first letting of any cottages or allotments comprised in a scheme, preference shall be given to agricultural labourers who have signed on their own behalf the representation on which the scheme was founded, or on whose behalf that representation was made.

(3) Regulations under this section shall contain a schedule of rents to be reserved in lettings, and those rents shall be so fixed

A.D. 1806. — as to secure a reasonable return, having regard to the circumstances of the locality affected, on the expenditure of the council under the Labourers Acts :

(4) Regulations under this section shall not be of any force until confirmed by the Local Government Board in like manner and subject to the like provisions as in the case of byelaws under the Public Health (Ireland) Act, 1878.

41 & 42 Vict.
c. 52.

Returns by
district
councils.

25. Returns shall be made by the district council at the prescribed times in each year and forwarded to the Local Government Board, containing, with respect to their district, the prescribed particulars, including the following:—

- (a) The number of cottages and allotments provided under the Labourers Acts ;
- (b) The rents reserved in lettings under those Acts ;
- (c) The number of cottages or allotments unoccupied ; 15
- (d) The number of cottages or allotments the rent whereof is in arrear and the total amount of such arrears ;
- (e) The number of cottages applied for in each rural district under the last completed scheme in connection with the Labourers Acts, together with the number of applications for extra half-acres to cottages already built under the said Acts under the said scheme, the number of applications for cottages and extra half-acres sanctioned, the amount of the official, legal, engineering, clerical, and other expenses incurred in connection with the preparation and confirmation of every such scheme and the particulars thereof ; and 25
- (f) The number of cases where advances have been made under section two of the Irish Land Act, 1903, to agricultural labourers under section nineteen of this Act. 30

Rules and
adaptation
order.

26.—(1) The Local Government Board may make general rules for carrying into effect the Labourers Acts, and those rules may, among other things, fix the amount of any fees, and may provide for the taxation and payment of any costs, to be received, allowed, or paid, in relation to the confirmation of improvement schemes. 35

(2) The Local Government Board may by Order make such adaptations of the enactments relating to procedure in the Labourers Acts passed before this Act as are necessary for carrying this Act into effect. 40

(3) All rules and any Order under this section shall be published in the Dublin Gazette and laid before Parliament.

27. The Labourers Acts shall, unless the context otherwise requires, be construed as if any reference therein to a Provisional Order referred to a Provisional Order under this Act of an inspector of the Local Government Board confirming an improvement scheme, and as if any reference to the confirmation of a Provisional Order referred to the confirmation under this Act by the Local Government Board of a Provisional Order made thereunder.

28. The Labourers Acts shall continue in force for ten years from the passing of this Act and until the end of the session of Parliament next ensuing.

29.—(1) In this Act, unless the context otherwise requires,—

The expression "the Labourers Acts" means the Labourers (Ireland) Acts, 1883 to 1903, and this Act;

The expression "the Act of 1883" means the Labourers (Ireland) Act, 1883;

The expression "the Act of 1885" means the Labourers (Ireland) Act, 1885;

The expression "the Act of 1896" means the Labourers (Ireland) Act, 1896;

The expression "prescribed" means prescribed by the Local Government Board.

(2) The expression "a plot or garden" in the Labourers

Acts shall be deemed to include two or more parcels of land whether they adjoin or not.

30. This Act shall be construed as one with the Labourers (Ireland) Acts, 1883 to 1903, and may be cited with those Acts.

31. This Act may be cited as the Labourers (Ireland)

Act, 1906.

32. This Act shall come into operation on the first day of November one thousand nine hundred and six.

33. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

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Construction
of Labourers
Acts.Duration of
Acts.

Definitions.

46 & 47 Vict.
c. 60.48 & 49 Vict.
c. 77.50 & 50 Vict.
c. 53.Construction
and citation.

Short title.

Commence-
ment of Act.

Repeals.

A.D. 1906.

SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
46 & 47 Vict. c. 60.	The Labourers (Ireland) Act, 1883.	Section five, so far as unrepealed. Section eighteen.	5
48 & 49 Vict. c. 77.	The Labourers (Ireland) Act, 1885.	Section twelve, so far as unrepealed.	
49 & 50 Vict. c. 59.	The Labourers (Ireland) Act, 1886.	Section ten.	10
54 & 55 Vict. c. 48.	The Purchase of Land (Ireland) Act, 1891.	In section five, subsection two, from "between" to the end of the subsection, except so far as the subsection applies to money payable before the commencement of this Act.	15
59 & 60 Vict. c. 47.	The Land Law (Ireland) Act, 1896.	Section thirty-nine, except so far as it applies to money payable before the commencement of this Act.	
59 & 60 Vict. c. 53.	The Labourers (Ireland) Act, 1896.	In section one, subsection three, the words "under section five of the said Act of 20 1883." Section eight.	
3 Edw. 7. c. 37.	The Irish Land Act, 1903.	In section ninety-six, subsection two.	